



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application

David BAILEY et al

Application No.: 10/018,061

Examiner: Bruce F. Bell

Filed: December 14, 2001

Group Art Unit: 1746

For: CATHODE PLATE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to Rules 56 and 98, Applicants hereby call the attention of the Patent Office to the reference the below-discussed documents listed on the attached Form PTO 1449. The documents arose in corresponding foreign prosecution.

Applicants present the documents and below-provided information so the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention. Applicants respectfully request the documents and information be expressly considered during the prosecution of this application and made of record herein and the documents appear among the "References Cited" on any patent to issue herefrom.

Reference From Corresponding Romanian Application

03/14/2006 JADDU1 00000055 10010061

100.00 OP

GB Patent No. 1329030 was raised in the corresponding Romanian application.

References From Corresponding Chilean Application

Enclosed is CA 910844 from the Chilean Patent Examiner in the corresponding Chilean application. It is respectfully submitted this document is not particularly relevant because the V-groove shown in the document is very narrow.

Also, enclosed is an Affidavit of June 6, 2002 by an employee of a competitor (Falconbridge Limited). The Affidavit alleges Falconbridge used a cathode plate with a V-groove along the bottom edge before the priority date of the present application. Also, the Affidavit includes drawings, showing the cathode plate (including V-groove) design, which the affiant alleges are evidence of mining projects at which Falconbridge technology (in particular referred to as the Kidd Process technology) was used.

Applicant respectfully submits neither the Affidavit nor its drawings are prior art. Neither the Affidavit nor its drawings appear to be publications publicly available before the filing of the present application. The Affidavit was signed June 6, 2002, after the international filing date of the present application. The drawings appear to be engineering drawings which one would expect to typically be confidential between the supplier and the ultimate user of the cathode plates.

The Affidavit alleges there has been a sale of technology and use of a cathode plate with a V-groove along the bottom edge in the United States in the year 1993. However, there is no corroborating evidence from independent experts for this allegation.

Moreover, even if this allegation was true, there is no evidence that it would be prior art against the method claims 1, 2 and 4-7 because there is no indication the use of the method in the US, if any, was public. It is respectfully submitted secret use of a method in the US is a reference against the performer of the method but is not a reference against a patent application of another that did not know of the use. See MPEP2133.03(b).IV.A.

Enclosed is Check No. 43376 inclusive the amount of \$180.00 in payment of the fee for submitting an Information Disclosure Statement after the first Office Action but before Final Rejection pursuant to Rule 97(c)(1) and (2) and Rule 17(p).

Respectfully submitted,

Date: March 13, 2006

By:

A handwritten signature in black ink, appearing to read "Anthony P. Venturino", written over a horizontal line.

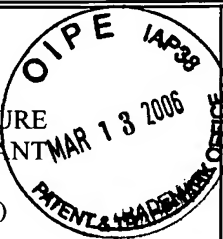
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FORM PTO-1449 U.S. Department of Commerce
(Rev. 4/92) Patent and Trademark Office



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10/018,061

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

APPLICANT
David BAILEY et al

(Use several sheets if necessary)

FILING DATE
December 14, 2001

GROUP
1746

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	1 3 2 9 0 3 0	09/73	GB				
	9 1 0 8 4 4	09/72	CA				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Affidavit of Murray Price Woodcock, June 6, 2002

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation is considered, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.